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FRA-2004-17027-1

January 14, 2004

Docket Clerk
Federal Railroad Administration
1120 Vermont Ave., N. W.
Washington, D.C. 20005

FEDERAL RAILROAD
ADMINISTRATION
2004 JAN 23 AM 8:28
OFFICE OF CHIEF COUNSEL

Dear Sir/Madam:

Metra is a commuter railroad operating passenger train service on twelve lines serving six counties in Northeast Illinois. Metra operates some 700 daily passenger trains providing rides for some 300,000 daily commuters.

One of Metra's lines known as Metra Electric serves 41 stations on the University Park Sub-district on tracks protected by some form of signal protection, either ABS or CTC. The main track has no crossings at grade. Additionally, the Metra Electric provides service on two branch lines. The South Chicago branch serves 9 stations on 3.04 miles of current of traffic double track ABS. The other branch line identified as the Blue Island Sub-district serves 8 stations on single track ABS with APB protection.

Pro-actively, Metra is proposing to establish a rescue plan in the event of a power failure such as the one that occurred in the east during the summer of 2003. Metra would like to purchase super hy-rail vehicles as the propulsion component of the rescue plan as this will provide us with the ability to set on the rail as needed to push or pull stranded trains to stations where passengers can be safely unloaded onto platforms.

When the specially equipped high-rails are being used to move the trains, they are performing rescue operations at restricted speed with a certified locomotive engineer uniquely trained on this hy-rail equipment. Before movement is initiated, a Class 1A brake test will be performed in compliance with 49 CFR Part 238.

Metra is requesting a waiver from the Crashworthy Standards established by 49 CFR 238 Part 200.

Metra has no intention of utilizing these vehicles for passenger service other than the rescue service.

September 12, 2003

Mr. George Gavalla
Associate Administrator Safety
Federal Railroad Administration
1120 Vermont Ave., N.W.
Washington, D. C. 20590

Dear Mr. Gavalla:

Northeast Illinois Railroad Corporation (Metra) is in the early stages of forming contingency plan for use in the event of a power failure. We want to have a rescue plan in place that would allow us to move trains to stations where passengers could be detrained safely.

We are looking at using hybrid track-mobiles to safely move trains from their stranded position to the nearest station where passengers could be detrained. The use of a track-mobile instead of another locomotive offers the advantage of getting to the stranded train(s) via the highway.

As an example of the complexities faced in handling a complete power failure on our electric district, we would have up to 19 trains moving south with thousands of passengers onboard. Getting passengers off these trains on the elevated right-of-way would not be necessary with the use of these hi-rail track-mobile vehicles. The track-mobile can be operated along most portions of our right-of-way, placed on the rail and coupled to the stranded train utilizing a specially designed coupler. The train air brakes would be charged using air from the track-mobile; a Class 1-A brake test would then be completed before movement began. The train would then proceed at restricted speed to the nearest station where passengers would be detrained.

The track-mobile will be operated by a highly skilled operator and will be accompanied by an operating rules qualified person. The movement will be made at restricted speed in accordance with our operating rules (GCOR) and the Federal Regulation on restricted speed.

I find no federal regulation that would preclude the railroad from operating in this fashion, but I also find it highly unlikely the FRA has ever anticipated this type of operation.

We are enlisting your support and comments on this proposal. If you have any questions, please feel free to contact me at (312) 322-2810.

Sincerely,

Dennis S. Mogan
Director, Safety & Rules

cc: Lawrence Hasvold, Regional Administrator - Chicago

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You positive response is appreciated so the rescue plan can move forward.

Sincerely,



**Dennis S. Mogan
Director, Safety & Rules**

**cc: V. L. Stoner
R. Soukup**

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U.S. Department
of Transportation
Federal Railroad
Administration

400 Seventh St., S.W.
Washington, D.C. 20590

OCT 21 2003

Mr. Dennis S. Mogan
Director, Safety & Rules
Northeast Illinois Railroad Corp. (METRA)
547 W. Jackson Blvd.
Chicago, IL 60661

Dear Mr. Mogan:

This letter is in reference to your letter concerning potential contingency plans in the event of a power failure on the electrified portions of Metra and the railroad's ability to move these trains to stations where passengers could be safely unloaded.

The Federal Railroad Administration (FRA) reviewed the information you provided and has determined that Metra would need a waiver from the applicable requirements of the Passenger Equipment Safety Standards (PESS) contained in 49 CFR part 238 to utilize the track-mobiles in the fashion described above. A track-mobile used to haul a stranded passenger train in the event of a locomotive or other power failure would be considered a passenger locomotive and would not be considered a freight locomotive as the term is used in the exception to the definition of "locomotive" contained in part 238. See 49 CFR 238.5 and FRA's Technical Bulletin (TB) MP&E 98-71. Metra should review FRA's TB MP&E 98-71, copy attached, containing FRA's determination as to when a self-propelled vehicle will be considered to be a locomotive and contains FRA's enforcement policy concerning the equipping of such vehicles when so used. If Metra were to pursue a waiver in this matter, FRA suggests that Metra review part 238 to identify and seek relief from all of those provisions related to locomotives used in passenger service.

FRA also believes that additional information would be needed to ascertain whether the use and operation of a track-mobile in the manner described above is in full compliance with other Federal regulations. These other regulations include:

- (49 CFR 217) - The "highly skilled operator" would have to be qualified on the railroad's operating rules at a level commensurate with main track operations.
- (49 CFR 219) - The "highly skilled operator" would be in covered service therefore pre-employment testing would have to be accomplished, and the individual(s) would need to be in a random pool.
- (49 CFR 220) - The track-mobile would have to be radio-equipped because it would be considered a controlling locomotive.

- (49 CFR 240) - Because the track-mobile would be utilized as a locomotive in passenger service, the operators would have to be certified.

Please contact FRA if we can be of any further assistance.

Sincerely,



George Gavalla
Associate Administrator
for Safety